

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR108
)	
v.)	
)	
VICTOR SAINZ-GONZALEZ,)	ORDER
)	
Defendant.)	
_____)	

This matter came before the Court for entry of a plea of guilty pursuant to the petition to enter a plea of guilty filed by defendant (Filing No. 20). Question No. 4 in the petition to enter a plea of guilty seeks information from the defendant with respect to prior medical or hospital care received for a mental or emotional problem, which he received in Mexico in March of 2000 to November 2001.

Upon inquiry with respect to the nature of those mental problems, defendant offered a letter from Dr. Serrano which was marked as Exhibit A and received in evidence. That letter reflects that defendant has suffered episodes of severe automatism, pretending to be the terminator, Jesus Christ, or the President of the Republic of Mexico. The doctor stated that the defendant presented a depressive picture with psychotic symptoms with alternated cycles of the depress and intense headaches. He listed the multiple medications with which defendant has been treated. He concluded that at that time, the defendant

manifested psychotic symptoms which he integrated into a diagnoses of Bipolar I.

The Court, having heard and reviewed the letter of Dr. Serrano, questions whether the defendant has the mental competency to enter a plea of guilty to a charge of knowingly and intentionally distributing methamphetamine. Accordingly, pursuant to the provisions of Title 18, United States Code, § 4241, the Court will order a mental examination to determine whether the defendant is competent to enter a plea of guilty, which involves a determination as to whether the defendant understands the nature of the charges contained in the indictment, the voluntariness of his decision to enter a plea of guilty to Count II of the indictment, and the competency to enter into a plea agreement with the government pursuant to which his plea of guilty would be tendered to the Court. The Court finds that a hearing should be held to determine whether defendant is competent to enter a plea of guilty. However, prior to scheduling the hearing, the Court believes that a psychiatric examination and report prepared pursuant to the provisions of 18 U.S.C. § 4247(b) and (c) should be reviewed by the Court. Accordingly,

IT IS ORDERED:

1) The Rule 11 hearing scheduled for August 4, 2005, is continued until further order of the Court;

2) A hearing will be scheduled to determine defendant's competency to enter a plea of guilty following receipt of a psychiatric report, which the Court is ordering;

3) That defendant is committed to the custody of the Attorney General of the United States for a period of thirty (30) days in order that a psychiatric evaluation, examination and report can be prepared and submitted to the Court pursuant to the provisions of 18 U.S.C. § 4247(b) and (c).

DATED this 4th day of August, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court